

12-14-06

Rce  
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<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b> Address to: MAIL STOP RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<b>Application Number</b>	<b>10/722,315</b>
	<b>Filing Date</b>	<b>November 25, 2003</b>
	<b>First Named Inventor</b>	<b>Gayde</b>
	<b>Art Unit</b>	<b>2617</b>
	<b>Examiner</b>	<b>Gelin</b>
	<b>Attorney Docket No.</b>	<b>LUTZ 2 00239</b>

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

**1. Submission required under 37 CFR 1.114**

- a. ☒ Previously submitted: Applicants request that the Amendment After Final Examiner's Action filed December 8, 2006 (via facsimile) be entered.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief filed on
- ii. ☐ Other.
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement, PTO-Form 1449 and references
- iv. ☐ Other \_\_\_\_\_

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Applicant(s) hereby petition the Commissioner under 37 C.F.R. § 1.136(a) and request a **-month extension of time** to respond to the outstanding Office Action.
- c. ☒ Other A request for a three-month extension of time (w/fees) was submitted by facsimile along with the above-noted response on December 8, 2006. Therefore, no further extension fees are believed to be due.

12/15/2006 AWONDAF1 00000111 10722315

01 FC:1801  
02 FC:1202

730.00 OP  
50.00 OP

3. Fees (The RCE fee under 37 CFR 1.114(e) is required by 37 CFR 1.114 when the RCE is filed.)

CLAIMS AS FILED, LESS ANY CLAIMS CANCELED BY ABOVE-INDICATED AMENDMENT(S)

CLAIMS AS FILED, LESS ANY CLAIMS CANCELED BY ABOVE INDICATED AMENDMENT(S)				
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c))	23 - 20 =	1	x \$50	= \$50.00
INDEPENDENT CLAIMS (37 CFR 1.16(b))	3 - 3 =	0	x \$200	= \$0.00
MULTIPLE DEPENDENT CLAIMS (IF APPLICABLE) (37 CFR 1.16(d))		ANY -- 0	x \$360	= \$0.00
APPLICATION SIZE FEE (FOR APPLICATION THAT EXCEEDS 100 SHEETS, FEE FOR EACH GROUP OF 50 ADDITIONAL SHEETS)	0 GROUP(S)		x \$250	= \$0.00
BASIC RCE FEE (37 CFR 1.16(a))				\$790.00
TOTAL LARGE ENTITY FEE =				\$840.00

Payment for the filing of this Request for Continued Examination, any appropriate extension of time fees (and if applicable, the search and examination fees) are authorized to be charged to a Credit Card.


The appropriate PTO form 2038 is enclosed. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

Respectfully submitted,

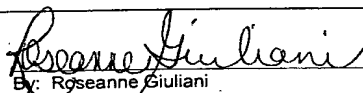
FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

December 13, 2006

Date

  
Joseph D. Dreher, Reg. No. 37,123  
1100 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2579  
216-861-5582

I certify that this correspondence and/or fee(s) is/are being  
☒ deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 (EV 889465353 US), addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.  
☒ transmitted to the USPTO by electronic transmission to USPTO via EFS-Web on the date indicated below.  
 Date: December 13, 2006

  
By: Roseanne Giuliani